

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
NORTHERN DIVISION**

NO. 2:10-CV-56-BR

BLONDELL MOSS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b><u>ORDER</u></b>
	)	
PASQUOTANK COUNTY and	)	
PASQUOTANK COUNTY WATER	)	
DEPARTMENT,	)	
	)	
Defendants.	)	
<hr style="width:30%; margin-left:0"/>	)	

This cause comes before the Court upon Defendants’ unopposed motion to stay discovery (DE-14). In their motion, Defendants request that all discovery be stayed during the pendency of their motion to dismiss. Rule 26(c) of the Federal Rules of Civil Procedure authorizes a court to issue orders limiting or staying discovery. Specifically:

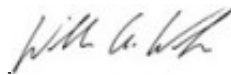
A court may properly exercise its discretion under Rule 26(c) to stay discovery pending resolution of dispositive motions. *Tilley v. United States*, 270 F. Supp. 2d 731, 734 (M.D.N.C. 2003), *aff’d*, 85 Fed. Appx. 333 (4<sup>th</sup> Cir. 15 Jan. 2004), *cert denied*, 543 U.S. 819 (2004). Factors favoring issuance of a stay include the potential for the dispositive motion to terminate all the claims in the case or all the claims against particular defendants, strong support for the dispositive motion on the merits, and irrelevancy of the discovery at issue to the dispositive motions. *See id.* at 735; *Simpson v. Specialty Retail Concepts, Inc.*, 121 F.R.D. 261, 263 (M.D.N.C. 1998). Conversely, discovery ordinarily should not be stayed when it is necessary to gather facts in defense of the motion. *Tilley*, 270 F. Supp. 2d at 734; *Simpson*, 121 F.R.D. at 263.

*Yongo v. Nationwide Affinity Ins. Co. of America*, 2008 WL 516744 (E.D.N.C. 2008), at \*2 (footnote omitted).

Moreover, a stay of discovery “is an eminently logical means to prevent wasting the time and effort of all concerned, and to make the most efficient use of judicial resources.” *U.S. v. A.T. Massey Coal Co.*, 2007

WL 3051449 (S.D.W.Va. 2007)(*quoting*, Coastal States Gas Corp. v. Department of Energy, 84 F.R.D. 278, 282 (D.C. Del. 1979). In their memorandum in support, Defendants have demonstrated good cause for their request, and Plaintiff has filed a response indicating she does not oppose a discovery stay (DE-16). For these reasons, Defendants' motion to stay discovery (DE-13) is GRANTED. All discovery in this matter is stayed until Defendants' motion to dismiss (DE-9) is ruled upon.

DONE AND ORDERED in Chambers at Raleigh, North Carolina on Thursday, May 12, 2011.



---

WILLIAM A. WEBB  
UNITED STATES MAGISTRATE JUDGE